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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,843	03/15/2004	Kenneth J. Taggart SR.	17745/09100-Utility	1531
27530	7590	07/18/2005	EXAMINER	
NELSON MULLINS RILEY & SCARBOROUGH, LLP			MEISLIN, DEBRA S	
1320 MAIN STREET, 17TH FLOOR			ART UNIT	
COLUMBIA, SC 29201			PAPER NUMBER	
			3723	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/800,843	TAGGART ET AL.	
	Examiner	Art Unit	
	Debra S. Meislin	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/05, 6/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's arguments, filed May 09, 2005, with respect to the rejection(s) of claim(s) 1-16 have been fully considered and are persuasive with respect to the Gearwrench Geared Serpentine Belt Tool (#3680). Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as follows:

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 7, 8, 9, 12, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brame (2691316) in view of Tuan-Mu (2004/0035257).

Brame discloses all of the claimed subject matter except for having a socket engaged by the ratchet wrench (claims 1, 4, 9 and 12) and a hex shaped opening (claims 9 and 15) for engagement with the drive bar fitting. Tuan-Mu (paragraph [0038], figures 1, 9A-B, 10A-B) discloses a ratchet wrench having a plurality of teeth on an inner circumference thereof, and a socket having teeth at one end for engagement with the ratchet teeth and a hexagonal socket at the opposite end. It would have been obvious to one having ordinary skill in the art to form the device of Brame with a socket having teeth at one end for engagement with the ratchet teeth of a ratchet wrench and having a hexagonal socket at the opposite end to allow for the engagement of variously sized/shaped workpieces as taught by Tuan-Mu.

Brame discloses a square shaped drive opening at one end of the wrench opposite to the ratchet end of the wrench. With respect to claims 9 and 15, the examiner takes Official Notice that the use of hexagonal as opposed to square shaped drive openings is notoriously old and well known in the art. Consequently, It would have been obvious to one having ordinary skill in the art to form the square opening of Brame as hexagonal as such is notoriously old and well known in the art.

4. Claims 2, 6, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brame (2691316) in view of Tuan-Mu (2004/0035257) as applied above, in further view of Carrigan (4337860).

Carrigan discloses tool sets including crow foot wrenches "24" having an open end and an opposite end with a square opening. It would have been obvious to one having ordinary skill in the art to provide the device of Brame with a crow foot wrench for added versatility as taught by Carrigan.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brame (2691316) in view of Tuan-Mu (2004/0035257) as applied above, in further view of Bennett et al (5368164).

Bennett et al discloses a blow molded tool set case. It would have been obvious to one having ordinary skill in the art to provide the device of Brame with a blow molded tool set case to removably store tools as taught by Bennett et al.

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

July 14, 2005